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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

## Letter dated 12 March 1998 from the Chairman of the Arab Group addressed to the High Commissioner for Human Rights

On behalf of the Council of Arab Heads of Missions accredited to the United Nations in Geneva, I have the honour to enclose herewith* a note concerning the "Situation of Human Rights in the Occupied Arab Territories, including Palestine" with a view to its consideration under item 4 of the agenda of the fifty-fourth session of the Commission on Human Rights. I would be grateful if Your Excellency would give instructions for its circulation as an official document of the fifty-fourth session of the Commission on Human Rights.

(Signed) Mounir ZAHRAN
Chairman of the Arab Group

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* The annex is circulated as received, in the language of submission only.

Annex

NOTE ON THE SITUATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES INCLUDING PALESTINE

Because of the persisting deterioration of the situation of human rights in the occupied Arab territories including Palestine, the Council of the Heads of Arab Missions accredited to the United Nations in Geneva would like to put down the following points.

1. The Commission on Human Rights decided to insert item 4 with high priority in its agenda in the wake of the war of 1967, precisely as laid down in its resolution 1969/6, in the light of the grave violations of human rights in the occupied Palestinian territories including Jerusalem and the Arab territories occupied by Israel during the war of 1967.

2. The General Assembly and the Commission on Human Rights have continued studying the persisting violations of human rights in the Palestinian and Arab territories occupied since 1967 in each of their ordinary and extraordinary sessions concerning the situation in occupied Palestine and they condemned these violations because of the persistence of their perpetration by the Israeli occupation authorities in those territories.

3. The Security Council has adopted several resolutions deploring those violations, calling upon the Government of Israel to immediately put an end to them, to abide by its international engagements, and to enforce the Fourth Geneva Convention of 1949 in the occupied Palestinian territories including Jerusalem and in the other occupied Arab territories. The first of these resolutions is resolution 271 (1969) of 15 September 1969, in addition to tens of other resolutions adopted afterwards by the Security Council, the General Assembly and the Commission on Human Rights, including General Assembly resolution ES-10/4 dated 13 November 1997, calling on the High Contracting Parties to the Fourth Geneva Convention to hold a conference with the aim of ensuring and imposing the respect of Israel for the provisions of the Fourth Geneva Convention, and enforcing it in the occupied Palestinian and other Arab territories including Jerusalem.

4. The Commission on Human Rights adopted resolutions condemning the Israeli occupation authorities for committing war crimes, crimes endangering the peace and security of mankind, and crimes of genocide against the Palestinian people. These resolutions are as follows:

1. Resolution 3 (XXVIII) dated 22 March 1972,

2. Resolution 1983/3 (thirty-ninth session) dated 15 February 1983,

3. Resolution 1984/11 (fortieth session) dated 29 February 1984,

4. Resolution 1989/2 (forty-fifth session) dated 17 February 1989.

5. The Commission on Human Rights has always given, in all its sessions since 1971, high priority to the deterioration of the situation of human rights in the Palestinian and other Arab territories occupied by Israel, the

last of which are resolutions 1997/1, 1997/2, 1997/3 and 1997/4 of 26 March 1997, which came as a result of the excessive persistence of the Israeli occupation authorities in violating human rights in those territories.

6. Neither Israel nor its occupation authorities have complied at all with any of these resolutions. They still persist to this day violating the principles of human rights and the relevant provisions of the international instruments, completely indifferent to the will of the international community and to the provisions of international legitimacy. In fact, the total United Nations and United Nations subsidiary body resolutions which Israel has refused to comply with has reached 179 resolutions during the last decade, with no sanction.

7. The world was expecting that the peace process would lead to the improvement of the situation of human rights. Unfortunately this was not the case. The situation of human rights under the Israeli occupation today is worse and is still deteriorating. This situation is illustrated in the continued annexation of Jerusalem, forcing its Palestinian inhabitants to live outside their homes in accordance with the policy of ethnic cleansing; the annexation of the Syrian Golan to Israel in violation of the principles of international law and the provisions of the Fourth Geneva Convention of 1949; the detention of thousands of Palestinians in Israeli prisons without trial; the confiscation of Palestinian lands; the establishment of Israeli settlements on the occupied Palestinian territories including Jerusalem; the imposition of collective punishments on the Palestinian people by imposing the closure of these territories; the demolition of Palestinian homes; the continuation of the use of torture against Palestinians and the permission given by the Israeli High Court of Justice to the Israeli interrogators allowing them to torture Palestinians during interrogations and in Israeli prisons, which has been declared by the United Nations Committee against Torture as constituting a violation of the United Nations Convention against Torture; and the continuing aggressions which could lead to the demolition of the Al-Aqsa mosque and the aggressions on the holy Christian shrines in Beit Sahour, in addition to a multitude of other violations forbidden by international law and international humanitarian law.

8. The refusal of the Israeli Government to respect the peace process and its principles has made the deterioration of the situation of human rights in the occupied Palestinian and Arab territories even worse, thus causing the total handicap of this process with the aim of killing it completely, as is the case now.

9. Not only are all the reasons which led the Commission on Human Rights to give the question of the Israeli practices affecting the human rights in the occupied Palestinian and Arab territories high priority in all its sessions still prevailing, but the Israeli occupation authorities are still perpetrating them today in their ugliest form.

10. The reports of the Special Rapporteur, Mr. Hannu Halinnen, the latest of which is the report E/CN.4/1998/17; the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, the last of which are A/52/131 of 2 May 1997, A/52/131/Add.1 of 25 July 1997 and A/52/131/Add.2

of 14 October 1997, in which Mr. Herman Leonard de Silva, Chairman of the Committee, affirmed, in his letter transmitting the report, the increasing deterioration of the situation of human rights in the occupied Palestinian and other Arab territories, illustrated by the continuation of Israeli settlement on these territories, forcing the inhabitants of Jerusalem out of their homes; the persistence of the policy of wounding and killing, the policy of collective punishment by the closure of the Palestinian territories, the demolition of Palestinian houses, the detention of thousands of Palestinians without trial and the persistence of the policy of torture; in addition to the reports of non-governmental organizations*, all affirm the continuation of the flagrant violations perpetrated by the Israeli occupation authorities in the occupied Palestinian and Arab territories to this day, mainly the persistence of the policy of torturing Palestinians.

11. As the fifty-fourth session of the Commission on Human Rights coincides with the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, the Council of Arab Ambassadors hopes that this commemoration would be accompanied by working together in order to achieve some progress towards ending the Israeli occupation of the Palestinian and Arab territories, and in order that the Palestinian people would enjoy all their rights including their right to self-determination according to the Charter of the United Nations and the two International Covenants on Human Rights and the relevant United Nations resolutions.

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* Reports from Amnesty International about torture in the Palestinian occupied territories.